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February 1, 2006

VIA REGULAR MAIL AND FAX

Mr. Samuel Issacharoff
New York University
40 Washington Square South
New York, New York 10012

Re *In re Holocaust Victim Assets Litigation*
Civ. 96-4849 (ERK)

Dear Mr. Issacharaoff:

Thank you for sending me Mr. Neuborne's original filing. I received your January 20, 2006 letter to Judge Korman this past Monday, and wanted to note the following.

First, notwithstanding your citation to *Hensley*, FRCP 23(h)(1)) requires any claim for attorneys fees to be "directed to class members in a reasonable manner." The Advisory Committee Notes to the 2003 amendments state, regarding Rule 23(h)(1): "Because members of the class have an interest in the arrangements for payment of class counsel whether that payment comes from the class fund or is made directly by another party, notice is required in all instances." To date, this rule has not been satisfied.

Further, considering the notice requirement in subsection (1) and the right of class members to object in subsection (2), a February 3, 2006 cutoff for opposing filings is premature. *See* Committee Notes to Rule 23(h)(2).

Finally, for the reasons stated in Bob Swift's Declaration of December 29, 2005, we are asking for you to supply Mr. Neuborne's time records from other engagements for the time period that overlaps with his request in this case, such as the German Slave Labor/German Foundation litigation, the McCain-Feingold Campaign Finance law litigation, and other consulting and academic commitments. *See* Committee Notes to Rule 23(h)(2).

Mr. Swift and I would like to arrange a conference call with you at your earliest convenience to discuss these matters.

Sincerely,

Samuel J. Dubbin, P.A.

cc: Chief Judge Edward R. Korman
Robert Swift, Esquire

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